LEGISLATIVE FISCAL ANALYSIS

Montana Legislative Council

vember 1966

Report No. 17

LEGISLATIVE FISCAL ANALYSIS

A REPORT TO THE FORTIETH LEGISLATIVE ASSEMBLY

by the

MONTANA LEGISLATIVE COUNCIL

November 1966

To Members of the Fortieth Legislative Assembly:

The Thirty-Ninth Legislative Assembly asked the Council to study nine Separate topics pertaining directly to the operation, effectiveness, and powers of the legislative branch of government. A joint committee appointed to consider proposals for study by the Legislative Council recommended that this study be directed chiefly toward interim legislative fiscal analysis and budget review. This study was conducted by the Subcommittee on Fiscal Analysis.

Although many additional improvements could be made in the legislative branch, the Council believes that proposals contained in this report will effect a substantial improvement in state fiscal management. The Council believes that the Legislative Assembly must exercise independent judgment in the budget making process. Legislative fiscal analysis will provide a means of exercising that independent judgment.

Respectfully submitted,

SENATOR EARL MORITZ

Chairman

Montana Legislative Council

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1965-66

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HOUSE JOINT RESOLUTION NO. 18

Introduced by

McNamer, Bardanouve, Leuthold, Healy, Felt.

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES, REQUESTING THE LEGISLATIVE COUNCIL TO CONDUCT A COMPREHENSIVE STUDY OF THE OPERATION, EFFECTIVENESS AND POWERS OF THE LEGISLATIVE BRANCH OF GOVERNMENT.

WHEREAS, the constitution of the state of Montana provides for the division of state government into three distinct departments: the legislative, executive and judicial, and

WHEREAS, the Montana Supreme Court has held that the purpose of this division is "to constitute each department an exclusive trustee of the power vested in it, accountable to the people alone for its faithful exercise," and

WHEREAS, Montana state government has experienced a tremendous expansion and has been called upon to face a widening spectrum of programs, which have resulted in corresponding increases in the responsibility of the legislative assembly, and

WHEREAS, the capacity of state government to meet the demands placed upon it in the complex setting of the mid-twentieth century—and thus make possible the preservation of the federal system—requires the highest degree of effectiveness in the operation of the legislative branch of state government.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council is requested to conduct a comprehensive study of the operation, effectiveness and powers of the legislative branch of government.

BE IT FURTHER RESOLVED, that this study shall include, but not be limited to, the following subjects:

1) Organization and procedures.
2) Terms and compensation of members.
3) Office space and other facilities.
4) Frequency of sessions.
5) Interim legislative fiscal analysis and budget review.
6) Legislative post audit.
7) Continuous code revision and other legal services, including bill drafting.
8) Research and reference services.
9) The need for fiscal notes attached to bills with financial implications.

BE IT FURTHER RESOLVED, that the Legislative Council shall, if possible, arrange for regional hearings to receive observations and suggestions from members of the legislative assembly and interested citizens throughout the state, and

BE IT FURTHER RESOLVED, that the Legislative Council shall report its findings, conclusions and recommendations, together with any necessary legislation, to the fortieth legislative assembly, and

BE IT FURTHER RESOLVED, that the secretary of state send a copy of this resolution to the Executive Director of the Legislative Council.

Chapter I

LEGISLATIVE FISCAL ANALYSIS

Introduction

The powers of the government of this state are divided into three distinct departments: The legislative, executive, and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted. (Section 1, Art. IV, Montana Constitution)

The purpose of this section is to constitute each department an exclusive trustee of the power vested in it, accountable to the people alone for its faithful exercise, so that each may act as a check upon the other, and thus may be prevented the tyranny and oppression which would be the result of a lodgment of all power in the hands of one body. (State ex rel. Schneider v. Cunningham, 39 Mont. 165)

No money shall be paid out of the treasury except upon appropriations made by law . . . (Section 34, Art. V, Montana Constitution)

. . . no money shall be drawn from the treasury but in pursuance of specific appropriations made by law. (Section 10, Art. XII, Montana Constitution)

Thus control of the purse strings of the state treasury were explicitly placed in the hands of the lawmaking branch of the government, to be tightened or loosened at its will. (State ex rel Dean v. Brandjord, 108 Mont. 447)

In 1959 the 36th Legislative Assembly enacted a law designating the Governor as chief budget officer of the state, and establishing the office of Director of the Budget. In so doing Montana joined the more than forty states which have vested their governors with budget-making authority. An excerpt from the Legislative Council report recommending this legislation summarizes the reasons for the proposal.

If state executive administration is organized with clear and direct lines of responsibility and with policy decisions made by an elected official, the voter can approve or disapprove policy when he goes to the polls. Because budgets are nothing more than expressions of policy, it follows that budget making should be a responsibility of the governor; budgets are statements of intention and aim in government. Unless the governor can exercise leadership over the apportionment of money among the executive departments he cannot be the leader of these departments.[1]

The establishment of an executive budget in Montana has lived up to the expectations of its proponents. The budget document has been greatly improved since the enactment of the law, and the governor is now politically responsible for his spending and revenue program presented to the legislature every two years.

Almost forgotten is the concurrent and equally important recommendation of the Council to establish a program of legislative fiscal analysis.

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[1] Montana Legislative Council, *General Report No. 1*, (Dec. 1958), p. 5.

The legislative responsibility which accompanies legislative control of state finances has two main facets: the provision by law for suitable procedures within the executive branch of the government for budget preparation and the handling of enacted appropriations and, second, provision within the legislative branch for evaluating appropriation requests, the executive budget, and fiscal operations generally.[2]

Thus, under the original proposal intended to give Montana a fully developed and balanced budget program, only half was implemented.

The passage of House Joint Resolution No. 18 in 1965 requesting a comprehensive study of the operation, effectiveness, and powers of the legislative branch of government indicated an awareness on the part of legislators that improvements in the legislative branch were needed. A special committee to screen Council assignments selected the subject of interim legislative fiscal analysis and budget review as the area of most urgent concern.

The Council wishes to thank a number of persons who assisted in this study, particularly Mr. Ralph Bryant, Director of the Colorado Joint Budget Committee and Mr. Charles Dell, Assistant Director of Institutions.

Why a Program of Interim Legislative Fiscal Analysis Is Needed

The Montana Legislative Assembly must exercise independent judgment in the budget-making process. The contents of this report are an elaboration in one way or another of this basic premise.

Under our political system, in almost all of the states the executive prepares a budget which represents *his* policy priorities, and the legislature compares this document with *its* view of policy priorities, and approves or disapproves the budget accordingly.

Those close to government know that in practice textbook definitions of the powers of the three coordinate branches of government are often unfortunately not applicable. The reasons for executive dominance in the budgetary process are obvious. Most governors have trained professional staffs who have ready and private access to executive departments. State legislatures are in session only biennially or for a fraction of each year while the governor and his budget office are on the job every day. During legislative sessions the time available to individual legislators and to appropriations committees for budget consideration is severely limited. Moreover, when there is time, legislators often find to their chagrin that the complexity of modern government is such that they simply do not know the right questions to ask.

The result of the fact that legislation is, for state legislators, a second, if not secondary, occupation is that genuine budget review and fiscal analysis often does not take place. The governor's budget is either rubberstamped, or, perhaps worse from the standpoint of the legislative public image, spurious controversies rage over peripheral issues. All that is accomplished often is the cutting of the budget by a fraction of one percent and the demonstration to budget professionals and interested spectators that legislative expertise in this heart land of public policy is indeed lacking.[3]

Some of the deficiencies detected at the beginning of this study are:

(1) The legislature needs, at the time it convenes, readily assimilable background information to enable it to evaluate the governor's budget, appropriations requests, and fiscal matters generally.

(2) The appropriations and finance committees need more assistance during the session.

(3) Legislators who are not on appropriations committees need more information on appropriations bills. This information should include reasonably concise statements on the fiscal implications of the various programs of state government as well as a description of the directions such programs are taking.

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[2] *Ibid*, p. 7.

[3] Donald G. Herzberg, "The Organization and Operation of an Effective Legislative Fiscal Review Agency," paper presented at the Sixteenth National Legislative Conference, (1963), p. 18 of the *Proceedings*.

(4) The legislature should have sufficient information on state government finances to afford it the opportunity to develop reasonable alternatives to the executive budget.

As a means of answering these needs, and of validating the legislature's control over state finances, many states have established programs to review and analyze state fiscal problems. It should be emphasized that legislative fiscal review is not in any sense a new program derived from an added legislative responsibility. The legislature is, and always has been, responsible for appropriating the moneys to operate state government. The question is only whether or not it can discharge this responsibility without some interim study and without some staff assistance. The two standing committees primarily responsible for working out the details of bills appropriating over 400 million dollars, have a total staff of two secretaries, and only 60 days every two years in which to study state finances.

A permanent legislative fiscal staff could perform a number of important services for the appropriations and finance committees and the legislature generally. For example, legislators often do not have enough information to ask the most important questions: How much service can be provided for each dollar invested? Given a definite number of dollars, what level of service can be attained? Should the costs of positions authorized but not filled during the previous year be considered as part of the costs of continuing present services? Questions relating to effective use of staff, efficiency, and need for particular cost items can best be formulated when the questioner has extensive program information.

The kinds of questions which need to be raised and the kinds of information the legislature needs for comprehensive budget study cannot be obtained during the two months that a budget is under consideration. Nor is it realistic to expect members of the Legislative Assembly to work the year round at developing such expertise.

> **If budget review is to be an effective process, the legislature must have a trained and experienced staff capable of analyzing the recommendations of the executive, and focusing attention on significant areas. Such staff also is essential to develop information which appropriation committees require in order to evaluate proposals for budget revision by the committee, and finally to reduce committee policy decisions to exact dollar amounts. Without such assistance, legislative budget review may either bog down under a mass of minor detail or become superficial and ineffectual.[4]**

The function of a fiscal analyst working under an interim legislative committee is simply to provide the information needed by legislators to reach informed policy decisions, thus relieving them of the burden of research and clerical work. The analyst's function is an educative one—supply the legislature with explanatory information making clear in layman's terms the mysteries of the administration budget.

> **Being responsible to the legislature and not being committed to the administration's program, he may point out possible effects of an administration proposal, available alternatives, or weaknesses in the administration's reasoning. What may ensue, then, is a dialogue of rational adjustment in place of legislative sniping borne of suspicion and feelings of helplessness before what may seem to be a bureaucratic leviathan.[5]**

Practices in Other States

In twenty-five states some arrangement has been made for interim legislative fiscal analysis. In fourteen states this service is provided by the legislative council or some other general service agency. In the other states a special interim committee has been established. In all cases a professional staff specializing in budget and fiscal analysis works with the legislators involved.

The nature of the program varies from state to state. In some states a detailed line by line analysis of the governor's budget is presented to the legislature. However, in most states, although a good deal of de-

[4] Report of the Committee on Organization of Legislative Services of the National Legislative Conference, *Mr. President . . . Mr. Speaker . . .*, (1963), p. 31.
[5] Herzberg, p. 20.

tailed background information on the governor's budget is available, the reports are more general. Legislative fiscal review programs also usually involve selected studies in depth on various state fiscal problems. During the sessions the staff serves under the senate and house appropriations and finance committees.

In a number of states, the staff of the legislative budget review agency is present, on either a formal or an informal basis, at executive budget hearings. Many legislative fiscal agencies receive departmental budget requests concurrently with the executive budget office.

Relationships with the Executive Budget

The Council enthusiastically endorses the establishment and continuance of an executive budget program. The Council feels that it is desirable that the governor be given the political responsibility for planning the fiscal programs of state government, as well as the leadership over the budgeting programs of the various executive agencies. Nevertheless, however well the executive budget system may work, the fact remains that the legislature is vested with the constitutional responsibility for making the ultimate decisions controlling the state's finances, and must have the tools with which to discharge this constitutional responsibility.

Executive budgeting and legislative appropriating go hand in hand. The recommendations contained in this report, which are intended to validate the legislature's control over state finances, are in no sense intended to weaken the executive budget program. If both the executive and legislature are given the means to intelligently and effectively evaluate state fiscal matters, communications will be greatly improved and the people of Montana will benefit from a more thoroughly considered spending program.

A program of interim fiscal analysis will not duplicate the executive budget. The legislature will not prepare a separate budget, nor attempt to proceed through all of the steps involved in budget preparation. The legislative review will be selective, concentrating on problem areas with studies in depth. Studies evaluating long term fiscal implications, which are not part of the biennial budget presented by the governor, will also be undertaken.

> **By strengthening the legislature's role in the budget making process, a fiscal review agency also strengthens ultimately the executive's role in the same process. The two forces interacting upon each other produce a synthesis of informed views. Without this interaction, which our forefathers called 'checks and balances,' we cannot claim to have a coordinate government in the states.[6]**

Fiscal Analysis and Post-auditing

There is bound to be some confusion between the functions of fiscal analysis and post-audit. The differences between the two programs are basic and should be kept in mind. In summary the two terms can be described as follows:

Post-audit is a final review or examination of state financial transactions after they have been completed. An audit is usually conducted on a sampling basis, with a detailed review of a certain proportion of all completed transactions. The audit is undertaken to assure that moneys have been collected in compliance with laws and have been expended within the scope of legislative intent and sound financial practice, and that the assets of the state are safeguarded and utilized properly. The purpose of the audit from the legislative viewpoint is to provide the legislature with formal objective information on the manner in which revenues have been collected and moneys appropriated by the legislative assembly spent, and to provide a basis for legislative action to improve the fiscal controls and procedures of the state.

Fiscal Analysis is a comprehensive financial review of state operations, involving a determination of the relative priority, in terms of public necessity and desirability, of the various functions of government which compete for the limited revenues available. A fiscal analysis program attempts to determine the proper balance between the total needs of the public for governmental service, and the total willingness of the public to provide the necessary revenues. In reviewing programs, it would question whether a function of government should be carried on by the agency presently delegated that responsibility, whether the state

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[6] Herzberg, p. 23.

is actually getting a dollar value for each dollar expended, whether the function could be better handled in another manner to provide better service at a lesser cost, or whether it should be carried out at all.

Perhaps the most important distinction between budget review and auditing, is that the former involves an evaluation of programs; the latter is concerned almost exclusively with the procedures under which money is collected and disbursed. They are complimentary programs; but while both relate to fiscal matters, the techniques used, the main purposes, and the results are different.

Recommendations

The Council recommends the creation of an eight member bipartisan committee to conduct a program of fiscal analysis and budget review during the interim between legislative sessions. The Council recommends that a fiscal analyst and the necessary clerical help be assigned to this committee from the Legislative Council staff.

A number of alternative methods of establishing the program were considered.

(1) Establishing a separate and independent committee with a separate staff. The legislature often criticizes the proliferation of independent agencies in the executive branch as an unnecessary and inefficient dispersal of responsibility and resources. There is no more reason why the field of legislative services should be unduly fragmented. The waste involved in establishing separate offices can be avoided.

(2) Placing the program under the Legislative Council or a subcommittee of the Legislative Council. Assigning the responsibility of conducting a program of fiscal analysis to a subcommittee of the Legislative Council would permit economies in staffing, but would prove an awkward addition to the formal program of interim research conducted by the Council. Under the present Council procedure, all recommendations are moved up from subcommittees to the Council where they must be approved by nine of the twelve members. A program of fiscal analysis does not lend itself well to this procedure. Most of the work of the committee will be gathering and studying information; probably few specific conclusions or recommendations will be formulated before the session commences. One of the main purposes is to accumulate a backlog of information which will be available to the legislature.

(3) Combining the program with the legislative post-audit. The Council feels that combining a program of fiscal analysis with the post-audit function would be wholly undesirable—assuming that a legislative post-audit program will one day be established. The critical differences between auditing and budget review are pointed out above, but there would still be a strong possibility of confusing the two functions. A post-audit agency would probably be staffed with persons with accounting backgrounds oriented toward an accounting approach to fiscal matters. A fiscal analysis program, however, is less concerned with balance sheets and accounting techniques and more concerned with programs, policies and purposes of government. Because two separate and distinct portions of the fiscal process are involved, it is essential that they be separated for administrative purposes.

(4) Placing the program under a separate committee with personnel from the Legislative Council staff. Considerable economies can be realized if the staff is centralized. A fiscal analyst, employed as any other Legislative Council staff member, and assigned to work with an independent fiscal committee, would permit the necessary independence of the committee but yet avoid the inefficiency of separate staffs. In addition, the committee could call upon the Council's research personnel and legislative draftsmen to assist it in other areas. This arrangement would take advantage of the continuity and experience of an existing research staff.

The Council recommends that the eight member committee consist of four house members appointed by the speaker and four members of the senate appointed by the senate committee on committees. All members would be from either the house appropriations committee or the senate finance and claims committee.

Because this program relates to a subject exclusively within the province of the legislature, it can be established by concurrent simple resolutions of the house and senate.[7] An annual appropriation of

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[7] A resolution effecting this recommendation appears in Appendix A, page 10, below.

$21,000 should be included in the Council budget to permit staffing the committee and paying members' actual expenses incurred in attending meetings. An outline of anticipated annual expenditures for the programs is shown below.

Salary of analyst	$11,000 (maximum)
Salary of half time typist	2,000
Operation	4,000
Committee Expense	4,000
Total	$21,000

Chapter II
MISCELLANEOUS RECOMMENDATIONS

Annual Legislative Sessions

It should not be necessary to catalog arguments for more frequent legislative sessions. Any one examining what has occurred in the United States and the state of Montana in the last seventy-five years realizes that a state legislature meeting for only two months every two years has insufficient time.

In 1890 Montana had 16 counties instead of 56, and thirty-eight state agencies where there are now more than one hundred. At that time the legislature appropriated about $187,000 annually; now the annual appropriation exceeds $200 million. Even more important is the qualitative change in legislation. State government has not only grown bigger, it has become unbelievably complex. Problems in the field of education, taxation, government organization, industrial expansion, resource development and many others that did not even concern members of the Montana Legislative Assembly in 1889 are challenging the ingenuity of today's legislators.

The Committee on Legislative Processes and Procedures of the National Legislative Conference recommended that "undue limitations and restrictions upon the length and subject matter of legislative sessions should be removed." The committee concluded its discussion with the following statement:

> **The Committee desires to emphasize that the legislature has a basic and significant function to perform—and that it should have freedom of action and adequate time for that purpose. This is the heart of the matter. The ills of democracy are not cured by its extinction; neither are weaknesses in the legislative process repaired by undue or unrealistic restrictions upon the legislature's power to meet, to deliberate, and to act.**

The national trend is toward annual legislative sessions. At the beginning of World War II only four states had annual sessions while today twenty-one legislatures meet annually. The last state to adopt annual sessions was Oklahoma in 1966. Iowa and New Hampshire have proposed constitutional amendments to provide annual sessions.

Of the twenty-one states which meet annually, ten of these consider only budget and fiscal matters on the "off-year" sessions which is in most cases the even numbered year. The budgetary sessions are in seven cases of 30-day duration, while in one case the session is 40 days long.

Seven of the twenty-one legislatures meeting yearly have no limitations on their sessions' length, while twelve meet for 60 days longer at least every two years. Nine legislatures of those twenty-nine which meet biennially have no restrictions placed on the length of their sessions. Eight meet for over 60 days, and ten meet for 60-day sessions. There are only two states which meet biennially for shorter periods than Montana; Alabama meets for 36 days while Wyoming has a 40-day session.

There are a number of states, however, where as a matter of routine, special sessions are called either immediately following a regular session or during the off year. There has not been a special session called in Montana for more than thirty years.

At least six of the fifty states have indirect limitations placed on the length of their sessions. These legislatures can extend their sessions beyond the limitation set by the legislature, but the legislators are not paid for the days they meet which are beyond the formal session.[8]

The Council recommends that the constitution be amended to provide for a sixty day general session on odd numbered years, and a thirty day session on even numbered years generally limited to fiscal matters.[9]

Rather than impose a specific upper limit on the number of days the legislature can be in session, the Council recommends an indirect restriction by limiting the number of days the members can draw

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[8] A table showing the frequency, length, and restrictions placed in legislative sessions in other states appears in Appendix B, page 11, below.

[9] A bill to implement this recommendation appears in Appendix C, page 13, below.

per diem. The practical effect of this approach is to limit the length of the session just as effectively as the present method. It has the added advantage, however, of not jeopardizing the validity of legislation enacted after the constitutional limitation has been exceeded. This method has been adopted by a number of states.

The cost of the next regular sixty day session is estimated at $680,000. The cost of a thirty day session limited to fiscal matters would probably not exceed $300,000.

Legislators' Compensation for Interim Activity

The Council also recommends that the statutes be amended to permit the payment of per diem in addition to actual expenses to legislators attending committee meetings and otherwise engaged in interim legislative study programs. As state government becomes more complex and as the legislature responds to the additional needs of state government, more interim legislative activity is inevitable. There is no reason why legislators should not be reimbursed in the same manner as are the members of numerous executive boards and commissions who come to the capitol to attend meetings.[10]

After a review of the relevant constitutional provisions and supreme court cases the Council concludes that there is no constitutional bar to paying legislators per diem in addition to actual expenses, as long as these additional payments do not become effective during the term of present legislators.

Daily Sessions and Standing Committee Meetings

It is the current practice for the house and senate to meet in mid-morning, usually at 10 A.M., to continue in session until their work is completed, or until the lateness of the hour necessitates adjournment. Late in the session, when the house and senate do not adjourn until late afternoon, and when committee meetings are scheduled "on adjournment," officers of state government and citizens who are scheduled to appear at committee meetings are seriously inconvenienced. Often the house or senate will stay in session until 5, 6, or 7 o'clock at night; needless to say, neither legislators nor witnesses are at their best at this hour.

The Council suggests that the house and senate seriously consider holding open the mornings for committee meetings, and scheduling general sessions for 12:30 or 1:00 p.m. This would make it possible to schedule committee meetings at specific times and still leave enough flexibility to allow long sessions if necessary. During the waning days of the session it will probably be desirable to schedule morning sessions also, but at least during the major part of the session committee meetings could be scheduled at a definite and convenient time.

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[10] A bill to implement this recommendation appears in Appendix D, page 14, below.

APPENDICES

APPENDIX A

A RESOLUTION OF THE SENATE (HOUSE) PROVIDING FOR THE APPOINTMENT OF A LEGISLATIVE FISCAL REVIEW COMMITTEE

WHEREAS, the Montana Legislative Assembly is vested with constitutional authority to provide moneys for the operation of state government, and

WHEREAS, because of the limited time in which to review the budget, and due to the lack of staff assistance, the legislative assembly is unable to adequately fulfill this constitutional responsibility, and

WHEREAS, as a means of validating the legislature's control over state finances, many states have established programs to review and analyze state fiscal problems between legislative sessions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE (HOUSE) OF THE STATE OF MONTANA:

That the committee on committees (speaker) appoint four members who are members of the finance and claims (appropriations) committee, no more than two of whom shall be of the same political party, to join with a like number from the house of representatives (senate) to form a fiscal review committee.

BE IT FURTHER RESOLVED, that the fiscal review committee shall

(1) Study the management, operations, programs, and fiscal needs of the agencies and institutions of Montana state government.

(2) Hold hearings as required, and review the executive budget and the budget requests of each state agency and institution, including proposals for construction of capital improvements, and make recommendations to the legislative assembly.

(3) Estimate revenue from existing and proposed taxes.

(4) Study and review the state's financial condition, fiscal organization, and its budgeting, accounting, reporting, personnel, and purchasing procedures.

BE IT FURTHER RESOLVED, that a fiscal analyst from the staff of the Legislative Council, appointed with the consent of the committee, be assigned to work with the committee, and assist the house appropriations and senate finance and claims committee during sessions of the legislature.

BE IT FURTHER RESOLVED, that committee members be paid their necessary and actual expenses from the appropriation of the Legislative Council.

APPENDIX B

LEGISLATIVE SESSIONS

State or other jurisdiction	Years in which sessions are held	Month sessions convene	Limitations on length of regular sessions
Alabama	Odd	May	36 L
Alaska	Annual	Jan.	None
Arizona	Annual	Jan.	63 C (a)
Arkansas	Odd	Jan.	60 C
California	Annual (b)	Jan.—odd	120 C (c)
		Feb.—even	30 C
Colorado	Annual (b)	Jan.	160 C (a)
Connecticut	Odd	Jan.	150 C (d)
Delaware	Annual (b)	Jan.—odd	90 L
		Feb.—even	30 L
Florida	Odd	Apr.	60 C (e)
Georgia	Annual	Jan.—odd	45 C (f)
		Jan.—even	40 C
Hawaii	Annual (b)	Feb.—odd	60 C (g)
		Feb.—even	30 C (g)
Idaho	Odd	Jan.	60 C (a)
Illinois	Odd	Jan.	None (h)
Indiana	Odd	Jan.	61 C
Iowa	Odd	Jan.	None
Kansas	Annual (b)	Jan.—odd	90 L (a)
		Jan.—even	30 C
Kentucky	Even	Jan.	60 L
Louisiana	Annual (b)	May—even	60 C
		May—odd	30 C
Maine	Odd	Jan.	None
Maryland	Annual	Jan.	70 C
Massachusetts	Annual	Jan.	None
Michigan	Annual	Jan.	None
Minnesota	Odd	Jan.	120 L
Mississippi	Even	Jan.	None
Missouri	Odd	Jan.	195 C (d)
Montana	Odd	Jan.	60 C
Nebraska	Odd	Jan.	None
Nevada	Odd	Jan.	60 C (a)
New Hampshire	Odd	Jan.	July 1 (a)
New Jersey	Annual	Jan.	None
New Mexico	Annual (b)	Jan.—odd	60 C
		Jan.—even	30 C
New York	Annual	Jan.	None
North Carolina	Odd	Feb.	120 C (a)
North Dakota	Odd	Jan.	60 L
Ohio	Odd	Jan.	None
Oklahoma	Annual	Jan.	90 L
Oregon	Odd	Jan.	None
Pennsylvania	Annual (b)	Jan.	None

State or other jurisdiction	Years in which sessions are held	Month sessions convene	Limitations on length of regular sessions
Rhode Island	Annual	Jan.	60 L (a)
South Carolina	Annual	Jan.	None
South Dakota	Annual (b)	Jan.—odd	45 L
		Jan.—even	30 L
Tennessee	Odd	Jan.	75 C (a)
Texas	Odd	Jan.	140 C
Utah	Odd	Jan.	60 C
Vermont	Odd	Jan.	None
Virginia	Even	Jan.	60 C (a, i)
Washington	Odd	Jan.	60 C
West Virginia	Annual (b)	Jan.—odd	60 C (j)
		Jan.—even	30 C (j)
Wisconsin	Odd	Jan.	None
Wyoming	Odd	Jan.	40 C
Puerto Rico	Annual	Jan.	111 C (d, k)

Abbreviations: L—Legislative days; C—Calendar days.

(a) Indirect restriction on session length. Legislatures' pay per diem, or daily allowance ceases but session may continue. In Colorado, the 160-day limitation applies to the legislative biennium. In New Hampshire travel allowance ceases after July 1 or 90 legislative days, whichever occurs first.

(b) Budget sessions held in even-numbered years, except in Louisiana.

(c) Exclusive of Saturdays and Sundays.

(d) Approximate length of session. Connecticut session must adjourn by first Wednesday after first Monday in June, Missouri's by July 15, and Puerto Rico's by April 30.

(e) Length of session may be extended by 30 days, but not beyond Sept. 1, by 3/5 vote of both houses.

(f) Convenes for no longer than 12 days to organize. Recesses and then reconvenes 2nd Monday in February for not more than 33 calendar days. Budget presently considered in odd-year session only.

(g) Governor may extend any session for not more than 30 days. Sundays and holidays shall be excluded in computing the number of days of any session.

(h) By custom legislature adjourns by July 1, since all bills passed after that day are not effective until July 1 of following year.

(i) May be extended up to 30 days by 3/5 vote of each house, but without pay.

(j) Must be extended by Governor until general appropriation passed; may be extended by 2/3 vote of legislature.

(k) Session may be extended by adoption of joint resolution.

APPENDIX C

NOTE: In the following pages the deletions from the wording in the present law are shown by the type in *italics;* additions are shown by **bold face type;** unchanged portions regular type.

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE ELECTORS OF MONTANA AN AMENDMENT TO SECTIONS 5 AND 6, ARTICLE V OF THE MONTANA CONSTITUTION DELETING THE SIXTY DAY LIMITATION ON THE LENGTH OF SESSIONS; PROVIDING THAT PER DIEM PAYMENTS TO MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR DAYS IN SESSION SHALL NOT BE MADE FOR MORE THAN THIRTY DAYS ON EVEN NUMBERED YEARS AND SIXTY DAYS ON ODD NUMBERED YEARS; AND PROVIDING FOR A LEGISLATIVE SESSION ON EVEN NUMBERED YEARS LIMITED TO REVENUE AND APPROPRIATION BILLS AND SUBJECTS DESIGNATED BY THE GOVERNOR."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 5, Article V of the Constitution of the State of Montana is amended to read as follows:

"Section 5. *Each member of the first legislative assembly, as a compensation for his services shall receive six dollars for each day's attendance, and twenty cents for each mile necessarily traveled in going to and returning from the seat of government to his residence by the usually traveled route, and shall receive no other compensation, perquisite, or allowance whatsoever.*

No session of the legislative assembly, after the first, which may be ninety days, shall exceed sixty days.

After the first session, The compensation of the members of the legislative assembly shall be as provided by law; *provided, that* however, no legislative assembly shall fix its own compensation. **Any per diem payments to members for days in session shall not be made for more than thirty (30) days on even numbered years and sixty (60) days on odd numbered years."**

Section 2. Section 6, Article V of the Constitution of the State of Montana is amended to read as follows:

"Section 6. The legislative assembly *(except the first)* shall meet **in regular session** at the seat of government at twelve o'clock noon, on the first Monday of January, *next succeeding the general election provided by law, and at twelve o'clock noon, on the first Monday of January,* of each *alternate* year *thereafter,* and at other times when convened by the governor. **At regular sessions convening in even numbered years, the legislative assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects which in the opinion of the governor require the immediate attention of the legislative assembly and which have been designated in writing by the governor during the first five (5) days of the session.**

The term of service of the members thereof shall begin the next day after their election, until otherwise provided by law; provided, that the first legislative assembly shall meet at the seat of government upon the proclamation of the governor after the admission of the state into the Union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days after the admission of the state into the Union.

Section 3. When this amendment is submitted to the electors of the state of Montana there shall be printed on the ballot the full title and Sections 1 and 2 of this act and the following words:

"☐ For the above amendment.

☐ Against the above amendment."

APPENDIX D

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 43-310, R.C.M. 1947 TO PERMIT THE PAYMENT OF TWENTY DOLLARS PER DAY IN ADDITION TO ACTUAL EXPENSES TO MEMBERS OF THE LEGISLATIVE ASSEMBLY ATTENDING MEETINGS OF A LEGISLATIVE INTERIM COMMITTEE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 43-310, R.C.M. 1947 is amended to read as follows:

"43-310. (1) Members of the legislative assembly hereafter elected shall received twenty dollars ($20.00) per day, payable weekly, during the session of the legislative assembly, and eight cents (8¢) per mile for each mile of travel to and from their residences and the place of holding the session, by the nearest traveled route.

(2) Members shall also receive fifteen dollars ($15.00) per day, payable weekly during the session of the legislative assembly, as reimbursement for expenses incurred in attending the session.

(3) Subject to a sufficient, available appropriation, members shall also receive twenty dollars ($20.00) per day, in addition to mileage and actual expenses, for each day spent in traveling to or from, and in attending a meeting of a legislative interim committee established by the legislative assembly."